



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

[^{F1}Security of public electronic communications networks and services: designated vendor directions]

[^{F1}105Z22] Restrictions on imposing information requirements

- (1) This section limits the purposes for which, and manner in which, requirements may be imposed under section [105Z27](#).
- (2) The Secretary of State is not to require a person to provide information under section [105Z27](#) except by a notice served on the person that—
 - (a) describes the required information; and
 - (b) sets out the Secretary of State's reasons for requiring it.
- (3) The Secretary of State is not to impose a requirement on a person under section [105Z27\(3\)](#) except by a notice served on the person that sets out the requirement and the Secretary of State's reasons for imposing it.
- (4) The requirements in subsections (2)(b) and (3) do not apply if or to the extent that the Secretary of State considers that setting out reasons in the notice would be contrary to the interests of national security.
- (5) The Secretary of State is not to require the provision of information under section [105Z27](#) except where the making of a demand for the information is proportionate to the use to which the information is to be put in the carrying out of the Secretary of State's functions.

Changes to legislation: Communications Act 2003, Section 105Z28 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) The Secretary of State is not to impose a requirement on a person under section [105Z27\(3\)](#) except where the imposition of the requirement is proportionate to the use to which the information required to be produced, generated, obtained, collected or retained (including information required to be produced or generated by processing, collating or analysing) is to be put in the carrying out of the Secretary of State's functions.
- (7) A requirement to provide information under section [105Z27](#) does not require a person to disclose information in respect of which a claim to legal professional privilege (or, in Scotland, to confidentiality of communications) could be maintained in legal proceedings.]

Textual Amendments

- F1** [Ss. 105Z27-105Z29](#) inserted (17.11.2021) by [Telecommunications \(Security\) Act 2021 \(c. 31\)](#), [ss. 23](#), [28\(1\)\(c\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)